UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 	X
CLINTON SEWELL, M.D. and CARICARE MEDICAL SERVICES, P.C.,	21

Plaintiff,

Case No. 04-CV-4474 ECF Case

-against-

NOTICE OF MOTION

1199 NATIONAL BENEFIT FUND FOR HEALTH AND HUMAN SERVICES,

Def	Gendant.
	X

PLEASE TAKE NOTICE that, upon the Affirmation of Key A. Mendes, sworn to on July 26, 2004, defendant will move this Court, before the Honorable Loretta A. Preska, in the United States Courthouse, 500 Pearl Street, Room 1320, New York, New York, for an order, pursuant to Rule 12(b)(1), Fed. R. Civ. P., granting (a) motion to dismiss to Defendant and dismissing Plaintiffs' Complaint in its entirety, and (b) such other relief as is just and proper, on the grounds that this court lacks subject matter jurisdiction.

1199 NATIONAL BENEFIT FUND FOR HEALTH AND HUMAN SERVICES

By: /s/
Key A. Mendes (KM1984)
330 West 42nd Street, 31st Floor
New York, New York 10036
(646) 473-6041

Attorney for Defendant

Dated: July 26, 2004

TO: Vivia L. Joseph, Esq. 229-22 Linden Blvd.

Cambria Heights, NY 11411

Attorney for Plaintiffs

Clinton J. Sewell, M.D. 230-11 Linden Blvd. Cambria Heights, NY 11411

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